

UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	2503020-991101
	First Inventor	Romaine McNelis
	Title	ITEM HOLDER
	Express Mail Label	EV 302277086 US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Commissioner for Patents Mail Stop Patent Application P. O. Box 1450 Alexandria VA 22313-1450
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<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.</p> <p>3. <input checked="" type="checkbox"/> Specification [Total Pages 16] (preferred arrangement set forth below)</p> <ul style="list-style-type: none">- Descriptive title of the invention- Cross Reference to Related Applications- Statement Regarding Fed sponsored R & D- Reference to sequence listing, a table, or a computer program listing appendix- Background of the Invention- Brief Summary of the Invention- Brief Description of the Drawings (if filed)- Detailed Description- Claim(s)- Abstract of the Disclosure <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 6]</p> <p>5. Oath or Declaration [Total Pages 4]</p> <p>a. <input type="checkbox"/> Newly executed (original or copy)</p> <p>b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed)</p> <p>i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</p> <p>6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p>	<p>7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)</p> <p>a. <input type="checkbox"/> Computer Readable Form (CRF)</p> <p>b. Specification Sequence Listing on:</p> <p>i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or</p> <p>ii. <input type="checkbox"/> Paper</p> <p>c. <input type="checkbox"/> Statements verifying identity of above copies</p>
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ACCOMPANYING APPLICATION PARTS	
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s))	
10. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee)	<input type="checkbox"/> Power of Attorney
11. <input type="checkbox"/> English Translation Document (if applicable)	
12. <input checked="" type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449	<input checked="" type="checkbox"/> Copies of IDS Citations
13. <input checked="" type="checkbox"/> Preliminary Amendment	
14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	
16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.	
17. <input checked="" type="checkbox"/> Other: Ck #541417 for \$415.00; Express Mail Cert. No. EV302277086US;	

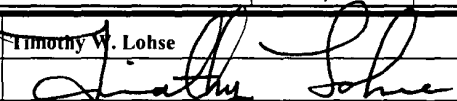
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: **09/895,849**

Prior application information: Examiner **Robert W. Gibson** Group / Art Unit: **3634**

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label 26379 or <input type="checkbox"/> Correspondence address below (Insert Customer No. or Attach bar code label here)					
Name	Timothy W. Lohse Gray Cary Ware & Freidenrich LLP				
Address	2000 University Avenue				
City	East Palo Alto	State	California	Zip Code	94303
Country	United States	Telephone	650-833-2055	Fax	650-833-2001

Name (Print/Type)	Timothy W. Lohse	Registration No. (Attorney/Agent)	35,255
Signature		Date	July 29, 2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

16367 U.S. PTO
07/29/03

PTO/SB/17 (5-03)
Approved for use through 04/30/2003. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$375.00

Complete if Known

Application Number	To Be Assigned
Filing Date	July 29, 2003
First Named Inventor	Romaine McNelis
Examiner Name	To Be Assigned
Group Art Unit	To Be Assigned
Attorney Docket No.	2503020-991101

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit
Account
Number

07-1896

Deposit
Account
Name

Gray Cary Ware & Freidenrich

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	375.00
1002	330	2002	165	Design filing	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below		Fee Paid
Total Claims				
5	-20** =	0	X 9.00 =	0.00
Independent Claims	3	-3** =	0	X 42.00 =
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) \$0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$0.00

SUBMITTED BY

Name (Print/Type)	Timothy W. Lohse	Registration No. (Attorney/Agent)	35,255	Telephone	650-833-2055
Signature		Date	July 29, 2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Romaine McNelis

Docket No.

2503020-991101

Serial No.
To Be AssignedFiling Date
July 29, 2003Examiner
To Be AssignedGroup Art Unit
To Be Assigned

Invention:

ITEM HOLDER

I hereby certify that the following correspondence:

Utility Patent Application Transmittal (1p); Continuation Patent Application Transmittal Letter and Preliminary Amendment (4p); Specification (16p); Drawings (6p); Declaration (4p); Transmittal of Formal Drawings (1p); Seven (7) sheets formal dwgs; Information Disclosure Stmt w/Form PTO -1449 (3p); IDS Ref's: 16 US Patents; FeeTrnsmtl(1p); Ck #541417 for \$415.00 (1p); Express Mail No. EV302277086US; Return postcard;


(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 29, 2003
(Date)

Cathy Pittman

(Typed or Printed Name of Person Mailing Correspondence)


(Signature of Person Mailing Correspondence)

EV302277086US

*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Romaine McNelis

Serial No.: To Be Assigned

Group Art Unit: To Be Assigned

Filed: July 29, 2003

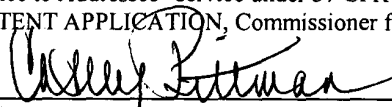
Examiner: To Be Assigned

Title: ITEM HOLDER

EXPRESS MAIL NO.: EV 302277086 US

Date of Deposit July 29, 2003

I hereby certify that this paper is being deposited with the United States Postal Service "EXPRESS MAIL Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents; P.O. Box 1450, Alexandria, VA, 22313-1450.


Cathy Pittman

TRANSMITTAL OF CONTINUATION APPLICATION UNDER 37 CFR 1.53(b)
AND PRELIMINARY AMENDMENT

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

Applicant hereby respectfully submits the enclosed

☒ Continuation

☐ Divisional

application under 37 CFR §1.53(b), of pending prior application

Serial No. 09/895,849, filed on June 29 2001
entitled: ITEM HOLDER

1. Copy of Prior Application as Filed Which is Attached

☒ The undersigned hereby verifies that the attached papers are a true copy of the above-identified prior application, including the oath or declaration originally filed (37 CFR 1.53(b)).

The copy of the papers of prior application as filed which are attached hereto are as follows:

- [13] Description;
 [2] Claims;
 [1] Abstract;
 [6] Sheet(s) of drawings
 [4] Declaration and power of attorney;

2. Preliminary Amendment

- [] Cancel in this application original claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

- [X] Please enter the following preliminary amendment:

Replace paragraph 2 of the section on page 1 entitled "Priority Claims" with the following paragraph:

"This is a continuation of Application Serial No. 09/895,849, filed on June 29, 2001, for:
 ITEM HOLDER, which claims priority from U.S. Provisional Patent Application Serial No.
 60/214,969 filed on June 29, 2000, which are incorporated herein by reference in their entirety.

3. Fee Calculation (37 CFR 1.16)

CLAIMS AS FILED

(1) For	(2) Number filed	(3) Number extra	(4) Large Entity Rate	(5) Small Entity Rate	(6) Calculations
Basic Filing Fee	XXXXXXXX	XXXXXXXX	\$750.00	\$ 375.00	\$ 375.00
Total Claims	5 - 20 =	0	X \$ 18.00	X \$ 9.00	\$ 0.00
Independent Claims	3 - 3 =	0	X \$ 84.00	X \$ 42.00	\$ 0.00
Multiple Dependent Claim(s) (if applicable)			\$ 280.00	\$ 140.00	\$ 0.00
Total of above Calculations =					\$ 375.00
			Other:		\$ 40.00
			TOTAL FEE		\$ 415.00

4. Priority Under -- 35 U.S.C. 119

- [] Priority of application Serial No. _____ filed on _____ in the _____ which claimed priority of _____ filed on _____ is claimed under 35 U.S.C. 119.

[] The certified copy has been filed in prior U.S. application Serial No. __ on __.

[] The certified copy will follow.

5. Priority Under -- 35 U.S.C. 120

- [X] Priority of application Serial No. 09/895,849 filed on June 29, 2001 in the U.S. which claimed priority of provisional application Serial No. 60/214,969 filed on June 29, 2000 in the U.S. is claimed under 35 U.S.C. 119.

6. Inventorship Statement

With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. 120, the inventor(s) in this application are:

- ☒ the same;
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted;
- ☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is being filed herewith.

7. Assignment

- ☐ The prior application is assigned of record to _____
A copy of the recorded assignment is enclosed.

8. Fee Payment Being Made At This Time

- ☒ Check No. 541417 in the amount of \$415.00 is enclosed.

9. Authorization To Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge any underpayments or debit any overpayments which may be required by this paper and during the entire pendency of the application to Account No. 07-1896:

10. Power of Attorney

- ☒ The power of attorney in the prior application is to

John L. Adair (Reg. No. 48,828); Ari G. Akmal (Reg. No. 51,338); David L. Alberti (Reg. No. 43,465); Mark L. Berrier (Reg. No. 35,066); John J. Bruckner (Reg. No. 35,816); Kevin J. Forrestal (Reg. No. 45,861); Lisa A. Haile (Reg. No. 38,347); Jacob V. Handy (Reg. No. 48,347); Richard J. Imbra (Reg. No. 37,643); Peter R. Leal (Reg. No. 24,226); June M. Learn (Reg. No. 31,238); Alan A. Limbach (Reg. No. 39,749); George C. Limbach (Reg. No. 19,305); Karl A. Limbach (Reg. No. 18,689); Timothy W. Lohse (Reg. No. 35,255); Terrance A. Meador (Reg. No. 30,298); George R. Meyer (Reg. No. 35,284); Dean Nakamura (Reg. No. 33,981); Kelly K. Reynolds (Reg. No. 51,154); Michael T. Rosato (Reg. No. 52,182); Gerald T. Sekimura (Reg. No. 30,103); Michael R. Shevlin (Reg. No. 38,724); Andrew V. Smith (Reg. No. 43,132); Steven R. Sprinkle (Reg. No. 40,825); Kieun J. Sung (Reg. No. 48,639); Mark M. Takahashi (Reg. No. 38,631); Emanuel J. Vacchiano, Reg. No. 43,964; Edward B. Weller (Reg. No. 37,468); Nan Wu (Reg. No. 43,360); Ronald L. Yin (Reg. No. 27,607); Barry N. Young (Reg. No. 27,744)

- ☒ All future correspondence should be addressed to:

Timothy W. Lohse
GRAY CARY WARE & FREIDENRICH LLP
2000 University Avenue
East Palo Alto, CA 94303

11. Abandonment of Prior Application (if applicable)

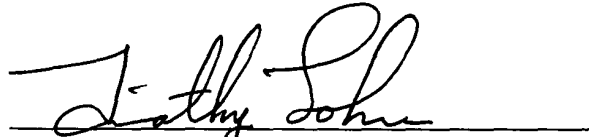
- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

12. Formal Drawings

[X] At this time, Applicant is filing seven (7) sheets of formal drawings for this continuation application .

Respectfully submitted,

Dated: July 29, 2003

A handwritten signature in black ink, appearing to read "Timothy W. Lohse", is written over a horizontal line.

Timothy W. Lohse
Reg. No.: 35,255
Attorney for Assignee

GRAY CARY WARE & FREIDENRICH LLP
2000 University Avenue
East Palo Alto, CA 94303
Telephone: (650) 833-2055